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November 3, 2003

**SUMMARY OF
EX PARTE PRESENTATION**

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWA325
Washington, DC 20554

Re: Ex Parte Presentation CC Docket No. 95-116, 99-200

Dear Ms. Dortch:

On October 31, 2003, the undersigned and Tom Soroka, United States Telecom Association (USTA), Mike Tan, SBC Communications, Inc., and Katheleen Levitz, BellSouth Corporation, met with Jessica Rosenworcel, Legal Advisor to Commissioner Michael J. Capps. The purpose of the meeting was to discuss local number portability (LNP) in the context of the Cellular Telecommunications and Internet Association's (CTIA) Petitions' for Declaratory Ruling (Petitions')¹ and USTA's Expedited Petition for Clarification and Exemption from Porting of "Grandfathered" NXX Codes (Grandfathered NXX Code Petition).²

Consistent with its prior filings in this proceeding, USTA articulated its concerns in relation to CTIA's Petitions'. USTA expressed its position that the impacts of inter-modal number portability upon wireline carriers must be fully considered by the FCC in a rulemaking proceeding. The FCC can not change the wireline porting boundary or interval as set forth under 47 CFR § 52.26(a) via a declaratory ruling proceeding, but rather must institute a rulemaking proceeding in conformance with the Administrative Procedure Act.

Permitting wireline-to-wireless number porting outside of the wireline rate center into larger wireless local calling areas, which in some instances would cross state boundaries, impairs the ability of incumbent local exchange carriers (ILECs) to rate toll calls. Requiring number porting outside of the ILEC rate centers will undermine and dramatically impact intrastate rate structures administered by state public service commissions. USTA also

¹ See Telephone Number Portability, CC Docket No. 95-116, *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association* (filed Jan. 23, 2003); *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association*, (filed May 13, 2003).

² Expedited Petition for Clarification and Exemption from Porting of "Grandfathered" NXX Codes, CC Docket 99-200 (filed September 8, 2003).

explained that the porting interval for wireline to wireless carriers should remain as currently set forth in FCC Rule 52.26(a).³ The expense for ILECs to make the network changes required to significantly decrease the currently prescribed porting interval would be substantial and not justified by the incremental benefit to customers.

Further, USTA discussed the Grandfathered NXX Code Petition. USTA advocated that the FCC should grant the Grandfathered NXX Code Petition and clarify and exempt certain NXX codes from being ported by commercial mobile radio service providers to wireline carriers. The attached presentation discussing grandfathered NXX codes was provided at the meeting.

Finally, USTA discussed the problem of uncompleted calls from customers in rural wireline exchanges without LNP capabilities to wireless customers whose number has been ported to another wireless service provider. USTA urged the FCC to require the wireless customer's former wireless service provider to perform the LNP database query and transit the call to the new wireless service provider, without charge to the ILEC or its customers. A copy of CenturyTel's Ex Parte Presentation of October 17, 2003, describing the uncompleted call scenario, was provided at the meeting.⁴

In accordance with Section 1.1206(b)(2) of the Federal Communications Commission's (FCC) rules, this letter and the attached presentation are being filed electronically with your office. Please feel free to contact me at (202) 326-7271 should you have any questions.

Sincerely,



Michael T. McMenamin
Associate Counsel

cc: Jessica Rosenworcel

³ 47 CFR § 52.26(a).

⁴ See CenturyTel Ex Parte, CC Docket No. 95-116 (Oct. 20, 2003).

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